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Chairman: Mr. Sivagurunathan (Vice-Chairman) ..... (Malaysia)

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In the absence of Mr. Gómez Robledo (Mexico), Mr. Sivagurunathan (Malaysia), Vice-Chairman, took the Chair.

The meeting was called to order at 4 p.m.

Agenda item 153: Requests for observer status in the General Assembly (*continued*)

Observer status for the Islamic Development Bank Group (*continued*) (A/61/646 and A/C.6/61/L.20)

1. **Mr. Al-Anazi** (Saudi Arabia) said that the delegations of Cameroon, Guinea-Bissau and Kyrgyzstan wished to be added to the list of sponsors of the draft resolution.

2. *Draft resolution A/C.6/61/L.20 was adopted.*

3. **Ms. Ioannou** (Cyprus) said that her delegation could not associate itself with the consensus on grounds of principle. Observer status in the General Assembly should be granted only to organizations that met certain benchmarks, including unconditional adherence to the principles and values of the United Nations and compliance with its decisions. The Islamic Development Bank Group's participation in illegal visits to and projects conducted in the occupied portion of Cyprus constituted a blatant violation not only of the sovereignty, territorial integrity and domestic legal order of Cyprus, but also of international law, the Charter of the United Nations and mandatory resolutions of the Security Council, particularly resolutions 541 (1983) and 550 (1984).

4. **Ms. Shahar** (Israel) expressed concern regarding past relations between the Islamic Development Bank Group and Hamas, a terrorist organization; the Group's organizational chart showed that it operated the Al-Aqsa Fund and the Al-Quds Fund, which had known ties to Palestinian terrorists. Her delegation was considering its position on the matter.

5. **Mr. Al-Anazi** (Saudi Arabia) said that the Islamic Development Bank Group had a long history of cooperation with the United Nations and that none of its activities were in violation of the Charter or of international law. He stood ready to reply to any delegation's questions on the matter.

Agenda item 128: Administration of justice at the United Nations (*continued*) (A/RES/59/283; A/61/205, A/61/458, A/61/460 and A/61/758; A/C.6/61/L.21)

6. **The Chairman** said that the Committee's Working Group on the Administration of Justice, which he had chaired, had held nine meetings from 12 to 23 March 2007. It had reviewed the legal aspects of the report of the Redesign Panel on the United Nations system of administration of justice (A/61/205) and the Secretary-General's comments on that report (A/61/758) and had been briefed by the Secretariat on a number of issues raised by delegations. There had been general agreement that the existing system of justice in the United Nations had significant problems and should be reformed expeditiously; the new system should be independent, transparent, professional and consistent with international law and with the principles of the rule of law and due process, taking into account the unique nature of the United Nations.

7. During their discussion of legal issues relating to the formal and informal systems for the administration of justice, delegations had considered that the informal system should be able to address as many grievances as possible at the earliest stage and should be strengthened through means that might include an integrated but decentralized Office of the Ombudsman and a strengthened mediation function. A complaint pending in the informal system should not be brought in parallel to the formal system, and parties should be precluded from litigating claims resolved through mediation. The formal system should comprise two tiers: a first instance and an appellate instance, both constituted by highly qualified professionals of recognized judicial standing. The formal system should render binding decisions and order appropriate remedies that should not include exemplary or punitive damages.

8. It had been considered, however, that the Committee should further examine, on the basis of additional information, the question of access to the formal and informal systems by persons who currently lacked adequate protection and that of the jurisdiction *ratione materiae* of the bodies in the formal system. Related issues requiring further consideration included the structure of the judicial bodies in the formal system, the question of administrative review, the availability of class actions by staff associations, the number of judges constituting the first instance, the role of mediation in the formal system, the possibility

that bodies in the formal system might grant relief by way of specific performance, the lifting of the two-year cap on compensatory claims, the grounds for appeal of a judicial decision and the financial accountability of staff. The Working Group had agreed that while legal assistance should continue to be provided to eligible persons and should be strengthened, the means of doing so, such as through a centralized and professional office, should be further considered. Subsequently, it had been proposed that the Working Group should consider the possible establishment of a single administrative tribunal with two instances. Delegations had also commented on the Committee's future course of action on the item, taking into account the need to coordinate its work with that of the Fifth Committee.

9. The Working Group had then considered a chairman's draft that listed points on which there appeared to be general agreement and had discussed the format of its recommendation to the Committee. It had been agreed that he would write a letter to the President of the General Assembly, attaching the list of points of agreement and the text of the draft decision agreed by the Committee (A/C.6/61/L.21), with a request that the letter and its annexes should be brought to the attention of the Fifth Committee and be issued as a document of the Assembly. Copies of those draft documents had been made available to delegations and discussed by the Working Group.

10. *Draft decision A/C.6/61/L.21 was adopted.*

11. **Mr. Kuzmin** (Russian Federation), supported by **Ms. Collet** (France), said that while he welcomed the adoption of the draft decision, he regretted that it had been made available to delegations only in English. Pursuant to the rules of procedure of the General Assembly, the Secretariat should take all necessary steps to ensure the translation of documents, and especially draft decisions, into all official languages of the Organization.

12. **The Chairman** said that the draft decision was now available in all six official languages.

13. **Mr. Sandoval** (Colombia) said that his delegation wished to reiterate its understanding that the terms "informal system" and "formal system" in the English version of the report of the Redesign Panel and the note by the Secretary-General would continue to be translated by "*sistema extrajudicial*" and "*sistema judicial*" and that those terms would be used in all future documents on the topic, bearing in mind that the six official languages of the United Nations were equal.

14. **Mr. Beras Hernández** (Dominican Republic) announced that he associated himself with the representative of Colombia.

15. **Ms. Rodríguez-Pineda** (Guatemala) said that in her view, the matter required further discussion. Her delegation did not believe that the words "*extrajudicial*" and "*judicial*" in Spanish accurately translated the English terms "informal" and "formal".

16. **Mr. Sandoval** (Colombia) said that his delegation had the right to express its views on both procedural and substantive matters. The documents that the Committee had before it were the basis for its work, and all future official documents on the administration of justice in the United Nations should preserve the language used in the report of the Redesign Panel.

Agenda item 110: Revitalization of the work of the General Assembly (*continued*)

Provisional programme of work of the Sixth Committee for the sixty-second session of the General Assembly (A/61/458)

17. **The Chairman** announced that, in view of the outcome of the Committee's work on the administration of justice at the United Nations during the resumed session, it had become necessary to readjust its provisional programme of work for the sixty-second session of the General Assembly (A/61/458). The changes would allow for greater flexibility in the Working Group's meetings, if necessary, and for a more efficient use of conference services. He noted that the dates listed for discussion of the criminal accountability of United Nations officials and experts on mission should be changed from 15 and 16 October 2007 to 15 and 26 October 2007.

18. **Ms. Negm** (Egypt), supported by **Mr. Fitschen** (Germany), speaking on behalf of the European Union, and **Mr. Adsett** (Canada), said that the revised programme of work would create a conflict with the General Assembly's discussion of agenda item 71 (Oceans and the law of the sea), and that such overlapping should be avoided in future.

19. **The Chairman** said that the Bureau was aware of the overlap but had been unable to avoid it because of the Committee's heavy agenda for the sixty-second session. However, the programme of work was provisional and could be revised.

20. **Mr. Fitschen** (Germany) asked why three different topics — measures to eliminate international terrorism, criminal accountability of United Nations officials and experts on mission, and the rule of law at the national and international levels — were scheduled to be discussed on 26 October 2007.

21. **The Chairman** said that two of those items, namely, measures to eliminate international terrorism and criminal accountability of United Nations officials and experts on mission, might already have been dealt with by working groups, which would simply report briefly on the results of their discussions on 26 October 2007.

22. *The revised programme of work of the Sixth Committee for the sixty-second session of the General Assembly was adopted.*

Completion of the Committee's work for the resumed sixty-first session of the General Assembly

23. After an exchange of courtesies, **the Chairman** declared that the Sixth Committee had completed its work for the resumed sixty-first session of the General Assembly.

The meeting rose at 4.40 p.m.